

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA.

Plaintiff,

VS.

RICKY E. BENNETT,

Defendant.

8:22CR169

ORDER

This matter is before the court on the plaintiff's Motion to Continue Trial [109]. The Assistant US Attorney that has handled the case since it came into the U.S. Attorney's Office submitted her resignation yesterday, effective January 14, 2024. Additional time is needed for new counsel to properly prepare for this trial. For good cause shown,

IT IS ORDERED that the Unopposed Motion to Continue Trial [109] is granted, as follows:

1. The jury trial now set for January 16, 2024 is continued to **March 4, 2024**.
2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and March 4, 2024**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would likely make a continuation of such proceeding impossible, or result in a miscarriage of justice. In addition, failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(i) and (iv).
3. A party may object to this order by filing an "Objection to Magistrate Judge's Order" no later than **January 10, 2024**. The objecting party must comply with all requirements of NECrimR 59.2.

DATED: January 3, 2024.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge